

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

IVELISSE ROQUE SANTANA,
a/k/a "Nuni,"
RICARDO ISAAC ROQUE,
a/k/a "Ricardo Fatule,"
a/k/a "Ricky,"
a/k/a "Gordo,"
FLOR SOTO,
a/k/a "Flor Cordones,"
JHONNY JIMENEZ,
a/k/a "Alex Lopez,"
LEIDI LUISA MEDINA,
SENDY BAEZ,
ELIANA SARMIENTO,
a/k/a "Yamily,"
RAFAELA MUNOZ, and
ROCIO ALMONTE,

Defendants.

ORIGINAL

SEALED INDICTMENT

S10 13 Cr. 147 (KMW)

USDC SDNY
DOCUMENT
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COUNT ONE

(Conspiracy to Make False Claims)

The Grand Jury charges:

1. From at least in or about 2010, until at least in or about February 2013, in the Southern District of New York and elsewhere, IVELISSE ROQUE SANTANA, a/k/a "Nuni," and RICARDO ISAAC ROQUE, a/k/a "Ricardo Fatule," a/k/a "Ricky," a/k/a "Gordo," the defendants, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with

each other to defraud the United States, and a department and agency thereof, to wit, the Department of the Treasury, by obtaining and aiding to obtain the payment and allowance of false, fictitious and fraudulent claims, to wit, SANTANA, ROQUE, and others obtained, used, and sold Electronic Filing Identification Numbers ("EFINs") to enable them and others to electronically file false tax returns with the Internal Revenue Service.

Overt Acts

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In January 2013, IVELISSE ROQUE SANTANA, a/k/a "Nuni," the defendant, participated in a phone call concerning the sale of an EFIN to an undercover agent posing as a buyer.

b. On or about January 17, 2013, RICARDO ISAAC ROQUE, a/k/a "Ricardo Fatule," a/k/a "Ricky," a/k/a "Gordo," the defendant, participated in the sale of an EFIN to an undercover agent posing as a buyer.

(Title 18, United States Code, Section 286.)

COUNT TWO
(Identity Theft Conspiracy)

The Grand Jury further charges:

3. From at least in or about December 2012, up to and including the date of this Indictment, in the Southern District of New York and elsewhere, IVELISSE ROQUE SANTANA, a/k/a "Nuni," and RICARDO ISAAC ROQUE, a/k/a "Ricardo Fatule," a/k/a "Ricky," a/k/a "Gordo," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1028(a)(7).

4. It was a part and an object of the conspiracy that IVELISSE ROQUE SANTANA, a/k/a "Nuni," and RICARDO ISAAC ROQUE, a/k/a "Ricardo Fatule," a/k/a "Ricky," a/k/a "Gordo," the defendants, and others known and unknown, would and did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constitutes a violation of Federal law, to wit, the false claims conspiracy alleged in Count One.

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In or about January 2013, IVELISSE ROQUE SANTANA, a/k/a "Nuni," the defendant, participated in a phone call concerning the sale of an EFIN to an undercover agent posing as a buyer.

b. On or about January 17, 2013, RICARDO ISAAC ROQUE, a/k/a "Ricky," a/k/a "Gordo," participated in the sale of an EFIN to an undercover agent posing as a buyer.

(Title 18, United States Code, Section 1028(f).)

COUNT THREE

(Conspiracy to Steal Government Funds)

The Grand Jury further charges:

6. From at least in or about 2008, until at least in or about February 2013, in the Southern District of New York and elsewhere, IVELISSE ROQUE SANTANA, a/k/a "Nuni," FLOR SOTO, a/k/a "Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," LEIDI LUISA MEDINA, and SENDY BAEZ, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 641.

7. It was a part and an object of the conspiracy that IVELISSE ROQUE SANTANA, a/k/a "Nuni," FLOR SOTO, a/k/a "Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," LEIDI LUISA MEDINA, and SENDY BAEZ, the defendants, and others known and unknown, would and did embezzle, steal, purloin, and knowingly convert to their use and the use of others vouchers, money, and things of value of the United States and a department and an agency thereof, to wit, the United States Department of the Treasury, the value of which exceeded \$1,000, and would and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined, and converted.

Overt Acts

8. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about February 6, 2012, IVELISSE ROQUE SANTANA, a/k/a "Nuni," the defendant, caused a fraudulently procured federal tax refund to be deposited into her bank account.

b. In or about 2011, FLOR SOTO, a/k/a "Flor Cordones," the defendant, caused a fraudulently procured federal tax refund to be deposited into a bank account.

c. In or about 2012, JHONNY JIMENEZ, a/k/a "Alex Lopez," the defendant, filed a fraudulent federal tax return using the stolen identity of an individual.

d. In or about 2011, LEIDI LUISA MEDINA, the defendant, caused a fraudulently procured federal tax refund to be deposited into a bank account.

e. On or about April 1, 2011, SENDY BAEZ, the defendant, caused a fraudulently procured federal tax refund to be deposited into her bank account.

(Title 18, United States Code, Section 371.)

COUNT FOUR
(Theft of Government Funds)

The Grand Jury further charges:

9. From at least in or about 2008, until at least in or about February 2013, in the Southern District of New York and elsewhere, IVELISSE ROQUE SANTANA, a/k/a "Nuni," FLOR SOTO, a/k/a "Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," LEIDI LUISA MEDINA, and SENDY BAEZ, the defendants, willfully and knowingly did embezzle, steal, purloin, and convert to their use and the use of others, vouchers, money and things of value of the United States and a department and an agency thereof, to wit, the United States Department of the Treasury, the value of which exceeded \$1,000, and did receive, conceal, and retain the

same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, SANTANA, SOTO, MEDINA, JIMENEZ, and BAEZ fraudulently caused the Department of the Treasury to issue tax refund checks to which the taxpayers were not entitled and converted those checks to their own use.

(Title 18, United States Code, Sections 641 & 2.)

COUNT FIVE
(Aggravated Identity Theft)

The Grand Jury further charges:

10. From at least in or about 2008, until at least in or about February 2013, in the Southern District of New York and elsewhere, FLOR SOTO, a/k/a "Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," and LEIDI LUISA MEDINA, the defendants, willfully and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, SOTO, JIMENEZ, and MEDINA aided and abetted the theft of personal information, including names and social security numbers, in connection with the theft of government funds offense alleged in Count Four.

(Title 18, United States Code, Sections 1028A(a)(1),
(c)(1) & 2.)

COUNT SIX
(Conspiracy to Steal Government Funds)

The Grand Jury further charges:

11. From at least in or about 2012, until at least in or about 2013, in the Southern District of New York and elsewhere, FLOR SOTO, a/k/a "Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," ELIANA SARMIENTO, a/k/a "Yamily," RAFAELA MUNOZ, and ROCIO ALMONTE, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 641.

12. It was a part and an object of the conspiracy that FLOR SOTO, a/k/a "Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," ELIANA SARMIENTO, a/k/a "Yamily," RAFAELA MUNOZ, and ROCIO ALMONTE, the defendants, and others known and unknown, would and did embezzle, steal, purloin, and knowingly convert to their use and the use of others vouchers, money, and things of value of the United States and a department and an agency thereof, to wit, the United States Department of the Treasury, the value of which exceeded \$1,000, and would and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined, and converted, to wit, SOTO, JIMENEZ, SARMIENTO,

MUNOZ, and ALMONTE agreed to file tax returns which falsely claimed tax credits for dependents.

Overt Acts

13. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In or about 2013, FLOR SOTO, a/k/a "Flor Cordones," the defendant, obtained stolen identities of minors to be fraudulently claimed as dependents on federal tax returns.

b. In or about February 2013, JHONNY JIMENEZ, a/k/a "Alex Lopez," the defendant, filed a federal tax return that falsely claimed that a minor was the dependent of the taxpayer.

c. In or about February 2013, ELIANA SARMIENTO, a/k/a "Yamily," the defendant, filed a federal tax return that falsely claimed that a minor was the dependent of the taxpayer.

d. In or about January 2013, RAFAELA MUNOZ, the defendant, filed a federal tax return that falsely claimed that a minor was the dependent of the taxpayer.

e. In or about February 2013, ROCIO ALMONTE, the defendant, filed a federal tax return that falsely claimed that a minor was the dependent of the taxpayer.

(Title 18, United States Code, Section 371.)

COUNT SEVEN
(Theft of Government Funds)

The Grand Jury further charges:

14. From at least in or about 2012, until at least in or about 2013, in the Southern District of New York and elsewhere, FLOR SOTO, a/k/a "Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," ELIANA SARMIENTO, a/k/a "Yamily," RAFAELA MUNOZ, and ROCIO ALMONTE, the defendants, willfully and knowingly did embezzle, steal, purloin, and convert to their use and the use of others, vouchers, money and things of value of the United States and a department and an agency thereof, to wit, the United States Department of the Treasury, the value of which exceeded \$1,000, and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, SOTO, JIMENEZ, SARMIENTO, MUNOZ, and ALMONTE fraudulently caused the Department of the Treasury to issue tax refunds to taxpayers who were not entitled to such refunds, by fraudulently claiming dependents on tax returns.

(Title 18, United States Code, Sections 641 & 2.)

COUNT EIGHT
(Aggravated Identity Theft)

The Grand Jury further charges:

15. From at least in or about 2012 up to and including 2013, in the Southern District of New York and elsewhere, FLOR SOTO, a/k/a "Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," ELIANA SARMIENTO, a/k/a "Yamily," RAFAELA MUNOZ, and ROCIO ALMONTE, the defendants, willfully and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, SOTO, JIMENEZ, SARMIENTO, MUNOZ, and ALMONTE aided and abetted the theft of personal information, including names and social security numbers of minors, and used that personal information in connection with the theft of government funds offense alleged in Count Seven.

(Title 18, United States Code, Sections 1028A(a)(1),
(c)(1) & 2.)

First Forfeiture Allegation

16. As a result of committing the offense charged in Count Two of the Indictment, IVELISSE ROQUE SANTANA, a/k/a "Nuni," and RICARDO ISAAC ROQUE, a/k/a "Ricardo Fatule," a/k/a "Ricky," a/k/a "Gordo," the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B) and 18 U.S.C. §

1028(b), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense charged in Count Two of the Indictment.

Second Forfeiture Allegation

17. As a result of committing the offenses charged in Counts Three and Four of the Indictment, IVELISSE ROQUE SANTANA, a/k/a "Nuni," FLOR SOTO, a/k/a "Flor Cordones," LEIDI LUISA MEDINA, JHONNY JIMENEZ, a/k/a "Alex Lopez," and SENDY BAEZ, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 18 U.S.C. § 2461, any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses charged in Counts Three and Four of the Indictment.

Third Forfeiture Allegation

18. As a result of committing the offenses charged in Counts Six and Seven of the Indictment, FLOR SOTO, a/k/a "Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," ELIANA SARMIENTO, a/k/a "Yamily," RAFAELA MUNOZ, and ROCIO ALMONTE, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 18 U.S.C. § 2461, any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses charged in Counts Six and Seven of the Indictment.


Substitute Asset Provision

19. If any of the above-described forfeitable property, as a result of any act or omission of IVELISSE ROQUE SANTANA, a/k/a "Nuni," RICARDO ISAAC ROQUE, a/k/a "Ricardo Fatule," a/k/a "Ricky," a/k/a "Gordo," FLOR SOTO, a/k/a "Flor Cordones," LEIDI LUISA MEDINA, JHONNY JIMENEZ, a/k/a "Alex Lopez," SENDY BAEZ, ELIANA SARMIENTO, a/k/a "Yamily," RAFAELA MUNOZ, and ROCIO ALMONTE, the defendants:

- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third person;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value;
- or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. §§ 982(a)(2) and (b)(1), 1028(b), 1029(c)(1)(C), and 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants.

(Title 18, United States Code, Sections 982, 1028, and 1029, Title 21, United States Code, Section 853.)



FOREPERSON



PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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"Ricardo Fatule," a/k/a "Ricky," a/k/a "Gordo," FLOR SOTO, a/k/a
"Flor Cordones," JHONNY JIMENEZ, a/k/a "Alex Lopez," LEIDI LUISA
MEDINA, SENDY BAEZ, ELIANA SARMIENTO, a/k/a "Yamily," RAFAELA
MUNOZ, and ROCIO ALMONTE,
Defendants.

SEALED INDICTMENT

S10 13 Cr. 147 (KMW)

(18 U.S.C. § 371, 641, 1028, 1028A, and 2.)

PREET BHARARA
United States Attorney.

A TRUE BILL)

Foreperson.

12/3/13 -
OK
Filed sealed indictment
Judge Francis
USMJ.